

**TOWN OF SOUTHEAST**  
**1360 Route 22**  
**Brewster, New York 10509**  
**Thursday, January 21, 2016**  
**WORK SESSION/REGULAR MEETING 7:00 P.M.**

**Pledge of Allegiance**  
**Notation of Exits**  
**Turn Off/Put on Vibrate – All Electronic Devices**

**Work Session:**

1. Discussion – Food Trucks

**Regular Meeting:**

1. Correspondence
2. Approval of Voucher List
3. Setting of Meeting Dates and Public Hearings

All meetings will be held at 1360 Route 22, Brewster, New York  
At 7:00 P.M. unless otherwise noted:

Thursday, February 4, 2016

Thursday, February 18, 2016

4. Budget Transfers
5. Resolution – Special Permit – 278 N. Brewster Road
6. Resolution – ARB Recommendation Bravcor, LLC, 65 Fields Lane, f/k/a McNamara
7. Resolution – Bond Resolution for International 7500 Truck
8. Resolution – Establish Bond – Fortune Ridge Barn – 139 Deans Corners Road

**Recognition of Public/Public Comment**  
**Recognition of Town Board/Town Board Comment**

12/5

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**SPECIAL PERMIT REQUEST FOR  
278 NORTH BREWSTER ROAD, LLC**

RESOLUTION NO. \_\_\_\_\_ / 2016

DATE: January 21, 2016

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, 278 NORTH BREWSTER ROAD, LLC, owner of premises located at 278 North Brewster Road, Tax Map No. 45.12-1-33 (the "Subject Premises") a structure containing multiple tenant spaces, has made application to this Town Board for a Special Permit to allow general "retail" use of a space currently occupied by "Doug's Furniture Barn"; and

**WHEREAS**, the Subject Premises are located in an NB-1; and

**WHEREAS**, retail uses are only permitted in a NB-1 zone upon the grant of a Special Permit by the Town Board; and

**WHEREAS**, a Special Permit was previously issued to "Doug's Furniture Barn" by this Town Board to allow a certain portion of the Subject Premises to be used and utilized for the retail sale of furniture; and

**WHEREAS**, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated June 8, 2015 wherein the Planning Board has recommended the grant of the Special Permit for general Retail Use; and

**WHEREAS**, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act ("SEQRA") determined the proposal to be a "Type II" action and adopted a Negative Declaration on June 8, 2015; and

**WHEREAS**, a duly noticed public hearing was held by the Town Board on December 17, 2015 in connection with this application for Special Permit and all interested parties have been given an adequate opportunity to be heard in this regard.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties provided appropriate conditions and restrictions are made a part of the grant of a special permit; and
2. The location and size of the proposed use, the nature and intensity of operations involved in

or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous; and

3. The exterior appearance of the building will not hinder or discourage the development and use of adjacent land and buildings provided all reviews and approvals of the Southeast Architecture Review Board are incorporated in any final approval of the project; and
4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

**AND BE IT FURTHER**

**RESOLVED**, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Permit to permit general Retail Use of so much of the Subject Premises as is currently occupied by "Doug's Furniture Barn" in accordance with the Statement of Use prepared and submitted to the Planning Board in connection with the Project Development Plan; and be it further

**RESOLVED**, that such general Retail Use permit shall extend only to such retail use(s) and development as do not violate the general and special conditions for Special Use Permits contained in Article X of Chapter 138 of the Code of the Town of Southeast.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez	_____
Councilman Cullen	_____
Councilwoman Eckardt	_____
Councilwoman Hudak	_____
Supervisor Hay	_____

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 21<sup>st</sup> day of January, 2016.

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MICHELE STANCATI  
Town Clerk

R#6

**TOWN BOARD  
TOWN OF SOUTHEAST**

**BRAVCOR, LLC  
ARCHITECTURAL REVIEW BOARD**

INTRODUCED BY: \_\_\_\_\_

DATE: January 21, 2016

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town Board is in receipt of a Report of the Architectural Review Board ("ARB") of the Town Southeast dated November 19, 2015 in connection with the application of Bravcor, LLC to construct a warehouse/retail/office building on property located at 65 Fields Lane, Tax ID 78.-2-15, in the Town of Southeast, Putnam County, New York; and

**WHEREAS**, the Report concludes that the ARB positively recommends the project to the Town Board on the condition that the applicant correct one note on the landscaping plan re: Native Wildflower Mix; and

**WHEREAS**, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with said application,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated November 19, 2015, a copy of which is annexed hereto and made part hereof, in connection with Bravcor, LLC, 65 Fields Lane, Tax Map 78.-2-15 and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board.

**UPON ROLL CALL VOTE:**

Councilman Alvarez \_\_\_\_\_

Councilman Cullen \_\_\_\_\_

Councilwoman Eckardt \_\_\_\_\_

Councilwoman Hudak \_\_\_\_\_

Supervisor Hay \_\_\_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

### TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF PUTNAM )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of the Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held on the 21<sup>ST</sup> day of January, 2016.

Michele Stancati, Town Clerk

R#7

## BOND RESOLUTION

A meeting of the Town Board of the Town of Southeast, Putnam County, New York, was convened in public session at the Town of Southeast, New York on the 21st day of January, 2016 at \_\_\_\_\_ o'clock P.M., Prevailing Time.

The meeting was called to order by Town Supervisor Tony Hay, and upon roll being called, the following were:

### PRESENT:

Edwin Alvarez

Robert Cullen

Lynne Eckardt

Elizabeth Hudak

### ABSENT:

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded \_\_\_\_\_, to-wit:

**Bond Resolution Dated January 21, 2016**

**A Resolution Authorizing the Acquisition of an International 7500 Truck,  
Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam  
County, New York in an Aggregate Principal Amount Not to Exceed  
\$195,000 Pursuant to the Local Finance Law to Finance Said Purpose and  
Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the  
Sale of Such Bonds to the Town Supervisor.**

BE IT RESOLVED, by the Town Board of the Town of Southeast, Putnam County, New York (the "Town") (by favorable vote of not less than three-fifths of all the members of the Board) as follows:

**Section 1.** The specific object or purpose (herein referred to as "Purpose") to be financed is the acquisition of an International 7500 Truck for the Highway Department. The estimated maximum cost of said purpose is \$195,000.

**Section 2.** The Town Board plans to finance the total cost of said Purpose by the issuance of serial bonds of the Town in an amount not to exceed \$195,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

**Section 3.** It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the remaining period of probable usefulness of said purpose is 15 years.

**Section 4.** It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**Section 5.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of such bonds by virtue of paragraph 9 of subsection d. of Section 107.00 of the Local Finance Law, with respect to the Purpose authorized to be financed hereby.

**Section 6.** The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 7.** Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 of said Law, the power to:

- (a) authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes,

(b) prescribe the terms, form, content, and the manner of execution of the serial bonds authorized by this resolution and said bond anticipation notes, including the consolidation with other issues,

(c) issue serial bonds with substantially level or declining annual debt service, and

(d) sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds,

is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

**Section 8.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

**Section 9.** Pending the sale of bonds herein authorized, the temporary use of funds from the Town's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this resolution prior to the issuance of such bonds or notes, and this resolution is intended to constitute a declaration of official intent to reimburse for the purposes of U.S. Treasury § 1.150-2.

**Section 10.** The Town has determined that the acquisition of an International 7500 Truck is a Type II action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

**Section 11.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.



**Section 12.** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the *Putnam County Press*, the official newspaper of said Town.

**Section 13.** The firm Barclay Damon, LLP is hereby appointed Bond Counsel of the Town in connection with the bonds and notes herein authorized.

**Section 14.** This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and the Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

\* \* \* \* \*

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Edwin Alvarez	voting	_____
Robert Cullen	voting	_____
Lynne Eckardt	voting	_____
Elizabeth Hudak	voting	_____
Tony Hay	voting	_____

The foregoing resolution was thereupon declared duly adopted.

## CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certified that:

(1) She the duly qualified and acting Clerk of the Town of Southeast, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at meeting of the Town Board held on January 21, 2016 and entitled

**A Resolution Authorizing the Acquisition of an International 7500 Truck, Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam County, New York in an Aggregate Principal Amount Not to Exceed \$195,000 Pursuant to the Local Finance Law to Finance Said Purpose and Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the Sale of Such Bonds to the Town Supervisor.**

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (three-fifths of the Town Board) voted in the proper manner for the adopted of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town, and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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Michele Stancati  
Town Clerk

NOTICE OF ADOPTION OF BOND RESOLUTION  
SUBJECT TO A PERMISSIVE REFERENDUM

At a regular meeting held on January 21, 2016, the Town Board of the Town of Southeast, New York duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law of the State of New York. If after 30 days of the resolution's adoption by the Town Board, no petition objecting to the resolution and requesting approval by the voters is filed with the Town Clerk of the Town of Southeast, the resolution will be declared duly adopted.

ABSTRACT OF BOND RESOLUTION DATED JANUARY 21, 2016

The following is a summary of a resolution adopted by the Town Board of the Town of Southeast, Putnam County on January 21, 2016. Said resolution authorizes the issuance and sale of a serial bond or bonds, and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bond or bonds, in an amount not to exceed \$195,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the object or purpose of acquisition of an International 7500 Truck for the Highway Department. The estimated maximum cost of said object or purpose is \$195,000, and the period of probable usefulness thereof is 15 years.

Dated: January 21, 2016

Michele Stancati  
Town Clerk  
Town of Southeast  
Putnam County, New York

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

R#8

**FORTUNE RIDGE BARN  
139 Deans Corners Road  
Bond Establishment**

RESOLUTION NO. \_\_\_\_\_ / 2016

DATE: January 21, 2016

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer and referral from the Planning Board with respect to the Performance Security to be posted by Fortune Ridge Homes, Inc. in connection with a site plan application known generally as "Fortune Ridge Barn" relative to property located at 139 Deans Corners Road, Tax Map No. 78.-3-29. (the "Subject Premises"); and

**WHEREAS**, by letter dated December 15, 2015 from the Planning Board Report it is recommended that the performance security for the Subject Premises be established for this project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bond amount shall be established for the project set forth below:

**PROJECT NAME:**

**BOND AMOUNT:**

Fortune Ridge Barn

Site Improvements     \$ 83,800.00

Erosion & Sediment     \$ 10,100.00

And be it further

**RESOLVED**, that a certified copy of this resolution shall be transmitted by the Town Clerk to the Planning Board Secretary and Building Inspector forthwith.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez     \_\_\_\_\_

Councilman Cullen     \_\_\_\_\_

Councilwoman Eckardt     \_\_\_\_\_

Councilwoman Hudak     \_\_\_\_\_

Supervisor Hay     \_\_\_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )

: ss.:

COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 21<sup>st</sup> day of January, 2016.

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MICHELE STANCATI  
Town Clerk